

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7436 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

KALIDAS PARSHOTTAM PATEL

Versus

STATE OF GUJARAT

Appearance:

MR SURESH M SHAH for Petitioner

MR DP JOSHI, AGP for Respondent No. 1, 2

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 16/11/98

ORAL JUDGEMENT

Rule. Service of rule waived by Mr. D.P. Joshi,
Ld. A.G.P. for the respondents.

2. Heard. Short question involved in this petition is that the Government has rejected the petitioner's application for allotting 816 sq. mtrs. of land out of final plot no. 263 of survey no. 341/3 of Bodakdev on

the ground that the petitioner happens to be the original owner of the land in question. The case of the petitioner is that he never had been the original owner or even the owner at any point of time of any portion of the land in question. In that view of the matter, the Government will have to reconsider the application. Following direction is, therefore, issued :-

The petitioner's application dated 25/6/1997 shall be considered and decided on the footing that the petitioner had or has never been the owner of any portion of the land in question. The decision shall be taken without being influenced by this order.

Subject to this direction, rule is discharged with no order as to cost.

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